

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

JAMES PAUL AERY,

Case No. 22-CV-1128 (PJS/LIB)

Plaintiff,

v.

ORDER

Sheriff ERNIE BEITEL,

Defendant.

James Paul Aery, pro se.

This matter is before the Court on plaintiff James Paul Aery's objection to the May 13, 2022 Report and Recommendation ("R&R") of Magistrate Judge Leo I. Brisbois. Judge Brisbois recommends denying Aery's petition for a writ of habeas corpus without prejudice and denying his application to proceed *in forma pauperis*. The Court has conducted a de novo review. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Based on that review, the Court adopts the R&R.

ORDER

Based on all of the files, records, and proceedings herein, the Court OVERRULES plaintiff's objection [ECF No. 6] and ADOPTS the R&R [ECF No. 5]. Accordingly, IT IS HEREBY ORDERED THAT:

1. Plaintiff's petition for a writ of habeas corpus [ECF No. 1] is DENIED
WITHOUT PREJUDICE;
2. Plaintiff's application to proceed *in forma pauperis* [ECF No. 2] is DENIED;
and
3. No certificate of appealability shall be issued.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: June 1, 2022

s/Patrick J. Schiltz

Patrick J. Schiltz

United States District Judge